

Ms. Eickholt was not meeting production goals. Ms. Eickholt felt stress as a result of the employer's increasing production expectations. In September, Human Resources Specialist Barb Groepper and Ms. Kouser met with Ms. Eickholt to discuss the employer's concern that Ms. Eickholt was not meeting her production goals. Ms. Groepper advised Ms. Eickholt that if Ms. Eickholt did not begin to meet her production goals, the employer might have to consider disciplinary action. Ms. Eickholt believed the goals set by the employer were unattainable and concluded she faced termination. Neither Ms. Groepper nor Ms. Kouser had indicated to Ms. Eickholt what disciplinary action might follow and neither mentioned to Ms. Eickholt that she faced possible discharge. On September 23, Ms. Eickholt advised Ms. Groepper that she had decided to quit the employment and was providing her two-weeks' notice. Ms. Eickholt had in mind that when she did not meet her production goal, other staff had to review her work, and she did not want to create unnecessary work for the employer. Ms. Eickholt indicated that her termination date could be the same day if that worked out best for the employer. The parties agreed to end the employment relationship the same day.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the evidence in the record establishes that Ms. Eickholt's voluntary quit was for good cause attributable to the employer.

Iowa Code section 96.5-1 provides:

An individual shall be disqualified for benefits:

1. Voluntary quitting. If the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department.

The evidence in record indicates that Ms. Eickholt quit the employment because she was aware that her work performance was not to the satisfaction of the employer. However, the employer had not requested that Ms. Eickholt leave the employment and the employer continued to have work available to Ms. Eickholt. Quits under such circumstances are presumed to be without good cause attributable to the employer. See 871 IAC 24.25(33). The evidence also indicates that Ms. Eickholt quit the employment in response to being reprimanded, in the broadest sense, through the employer's coaching process. Quits under such circumstances are also presumed to be without good cause attributable to the employer. See 871 IAC 24.25(28)

Based on the evidence in the record and application of the appropriate law, the administrative law judge must conclude that Ms. Eickholt's voluntary quit was without good cause attributable to the employer. Accordingly, Ms. Eickholt is disqualified for unemployment insurance benefits until she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is then otherwise eligible. The employer's account will not be charged for benefits paid to Ms. Eickholt.

DECISION:

The Agency representative's decision dated October 13, 2005, reference 01, is affirmed. The claimant's voluntary quit was without good cause attributable to the employer. The claimant is disqualified for unemployment insurance benefits until she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is then otherwise eligible. The employer's account will not be charged for benefits paid to the claimant.

jt/kjw